MYSORE ACT No. VIII OF 1943.

THE MYSORE SILK-WORM DISEASES CONTROL ACT, 1943.

(Received the assent of His Highness the Maharaja on the Ninth day of January 1943.)

WHEREAS it is expedient to provide for the control and eradication of silk-worm diseases in [1][the State of Mysore except Bellary District];

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Silk-Worm Diseases Control Act, 1943.

(2) It extends to the whole of [1][the State of Mysore except Bellary District.]

(3) This section shall come into force at once. The Government may, by notification in the official Gazette, apply all or any of the provisions of this Act to such areas in [1][the State of Mysore except Bellary District] as may be specified in the said notification.

Definition.

2. In this Act, unless there is anything repugnant in the subject or context—

(*i*) "prescribed" means prescribed by rules made under this Act;

(*ii*) "seed" means and includes seed cocoons, moths, eggs and silk-worms in the first two stages of development;

(*iii*) "seed producer" means any person engaged in all or any of the processes connected with the manufacture or disposal of seed including processes from the selection of seed cocoons to the distribution of seed;

(*iv*) "seed rearer" means any person who carries on all or any of the processes connected with the rearing of silk-worms with a view to the sale of cocoons for the purposes of seed including operations extending from the incubation of eggs to the harvesting of cocoons;

(*v*) "silk-worm disease" includes the diseases of Pebrine, Flacherie, Grasserie and Muscardine and any other disease which may be notified as such by the Government.

1. See the Mysore Adaptation of Laws Order, 1953.

Duty to furnish certain information.

3. (1) Every seed producer, seed rearer and every other person, who carries on all or any of the processes connected with the manufacture of seed or the rearing of silk-worms, shall give information forthwith in such form, if any, and with such particulars as may be prescribed, to the nearest officer authorised by the Superintendent of Sericulture to receive such information, of the occurrence to his knowledge of silk-worm disease in seed, silk-worm or moth in his premises or under his control.

(2) For the purposes of this section and in the absence of reasonable excuse, the burden of proving which shall lie upon him, every person specified in sub-section (1) shall, when any disease occurs in seed, silk-worm or moth in his premises or under his control, be deemed to have knowledge of the occurrence of such disease.

Power to take certain action.

4. (1) Any officer authorised in this behalf by the Superintendent of Sericulture may, between the hours of 6 A.M. and 6 P.M., enter upon any land, building, vehicle or place whereon or on any part of which all or any of the processes connected with the manufacture of seed or the rearing of silk-worm is being carried on or where seed, silk-worm or moth is stored, and inspect the same with a view to detecting the presence or otherwise of any silk-worm disease.

(2) Every owner, occupier or person in charge of any land, building, vehicle or place shall give all reasonable facilities to the officer authorised under sub-section (1) to inspect.

Power to enter and inspect.

5. (1) On receipt of information under section 3 or on the detection of silk-worm disease under section 4, and subject to the provisions of sub-section (2), any officer authorised in this behalf by the Superintendent of Sericulture or an officer authorised to inspect under section 4, as the case may be, may take, or cause to be taken, such steps as may be considered by him expedient or necessary to prevent the spread of the disease or to eradicate it. Such steps may include the disinfection or destruction of any seed, silk-worm, moth or of any vessel, receptacle or apparatus used in such manufacture or rearing and such other action as may be prescribed.

(2) In cases where the owner or person in charge of the seed, silk-worm or moth alleged to be diseased does not agree to the destruction under sub-section (1), of such seed, silk-worm or moth or any vessel, receptacle or

apparatus used by him, then an appeal shall lie to an officer authorised in this behalf by the Superintendent of Sericulture, not being below the rank of senior Sericultural Inspector, in such manner as may be prescribed, and in any case, not later than 24 hours after action is directed to be taken under sub-section (1). The order of the appellate authority shall be final.

Penalty.

6. Any person, who acts in contravention of, or fails to comply with, any of the provisions of this Act shall, on conviction, be punishable with fine which may extend to Rs. 200. The Court may in its discretion direct that any seed, silk-worm, moth or vessel, receptacle or apparatus containing them shall be destroyed.

Limitation of prosecutions.

7. No prosecution under this Act shall be instituted without the previous sanction of the Superintendent of Sericulture.

Protection to persons acting under this Act.

8. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

Officers under this Act deemed to be public servants.

9. Every officer acting or purporting to act in pursuance of the provisions of this Act and rules thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code as in force in Mysore.

Power to make rules.

10. (1) The Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, the Government may make rules for all or any of the following purposes, namely :—

(i) notifying such additional diseases, if any, which should be considered as silk-worm diseases ;

(ii) prescribing the form, if any, in which, and the particulars with which, information should be communicated under section 3 ;

(iii) prescribing the further steps, if any, which may be taken in controlling or eradicating silk-worm disease under section 5 ;

(iv) prescribing the mode and form of an appeal under sub-section (2) of section 5.

(3) The Government may also prescribe a fine not exceeding one hundred rupees for breach of any such rule.